

Message Text

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC 4613

INFO AMEMBASSY BERN

USMISSION GENEVA

AMEMBASSY LONDON

AMEMBASSY OTTAWA

AMEMBASSY PARIS

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C O N F I D E N T I A L MOSCOW 17336

E.O. 11652: GDS

TAGS: ICRC, PARM, UR, US

SUBJ:CONSULTATIONS ON INTERNATIONAL HUMANITARIAN LAW

REF: STATE 246163

1. EMBOFF CALLED ON TEREKHOV AND MAYORSKIY OF THE SOVIET MFA'S TREATY AND LEGAL DIVISION ON NOVEMBER 14 TO DISCUSS BILATERAL CONSULTATIONS TO PRECEDE THE SECOND SESSION OF THE CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW (REFTEL). THE TWO SOVIETS WERE AWARE OF THE CONTACTS BETWEEN THE TWO DELEGATIONS AT LUCERNE AND STRONGLY ENDORSED THE IDEA OF A PRELIMINARY MEETING. THEY SAID THAT THEY WOULD HAVE TO CLEAR THE DATES WITH THEIR SUPERIORS. MAYORSKIY SAID THAT HE PERSONALLY FELT THAT THE MEETING MIGHT BETTER BE HELD ABOUT TWO WEEKS EARLIER THAN WE SUGGESTED, IN ORDER TO ALLOW MORE TIME FOR CONSULTATIONS WITH OTHERS BEFORE THE CONFERENCE CONVENES IN EARLY FEBRUARY. HE SAID, HOWEVER, THAT HE WOULD TAKE JANUARY 16 AND 17 AS A DEFINITE U.S. PROPOSAL, AND LET US KNOW THE SOVIET REPLY
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AS SOON AS HE COULD GET ONE.

2. ON THE REPRESENTATION, THE SOVIETS AGREED THAT THE PRELIMINARY MEETING SHOULD INCLUDE BOTH MILITARY AND DIPLOMATIC REPRESENTATIVES OF BOTH SIDES, AND ASKED WHAT THE LEVEL OF THE U.S. REPRESENTATION WOULD BE AT THE PRELIMINARY MEETING. IF THE HEAD OF THE U.S. DELEGATION TO THE CONFERENCE WILL ALSO HEAD THE CONSULTATIONS, THE SOVIETS WILL PLAN TO SEND THE HEAD OF THEIR DELEGATION. THEY WOULD ALSO LIKE A FULLER IDEA OF THE COMPOSITION OF THE U.S. DELEGATION SO THAT THEY CAN RECIPROCATE.

3. ON THE PROPOSED TOPICS TO BE DISCUSSED, THEY AGREED THAT TOOSE MENTIONED REFTEL SHOULD BE INCLUDED, AND ASKED WHETHER NAPALM WOULD FALL UNDER THE ITEM ON THE AD HOC COMMITTEE ON WEAPONS. THEY DID NOT OFFER ANY ADDITIONAL AGENDA ITEMS, BUT SAID THAT IT WOULD BE HELPFUL TO HAVE SOME CLUES TO U.S. THINKING ON THE QUESTIONS TO BE DISCUSSED. EMBOFF AGREED TO PASS ALONG THE REQUEST, BUT SUGGESTED THAT THE U.S. SIDE WOULD PROBABLY LIKE TO HAVE SOME INDICATION OF THE SOVIET VIEWS AS WELL. MAYORSKIY SAID THAT THE SOVIETS WERE ACTIVELY CONSIDERING THE QUESTIONS INVOLVED, BUT WOULD PROBABLY NOT HAVE ANYTHING DEFINITE FOR SEVERAL DAYS. HE REITERATED THAT THEY WOULD LIKE TO HAVE "A PIECE OF PAPER" ON U.S. VIEWS FROM WHICH TO WORK.

4. ON THE MORE GENERAL ATMOSPHERE FOR THE CONFERENCE, MAYORSKIY SAID THAT THE FIRST CONFERENCE HAD SOUGHT TO AVOID PROBLEM AREAS, WITH THE RESULT THAT IT AVOIDED PRODUCING EVEN ONE DOCUMENT. THE SECOND CONFERENCE WOULD BE UNDER CONSIDERABLE PRESSURE TO PRODUCE SOMETHING. (HE IMPLIED THAT THIS PRESSURE WAS DIRECTED AT BOTH THE SOVIETS AND THE AMERICANS BY THIRD COUNTRIES.) SUCH A CONFERENCE WAS REALLY NOT THE PROPER PLACE TO DISCUSS DISARMAMENT ISSUES, BUT THE FIRST CONFERENCE HAD GOTTEN LOCKED INTO THAT SUBJECT. NOW THE PROBLEM WAS HOW TO GET OUT OF THAT BIND AND ONTO TOPICS WHICH COULD MORE FAIRLY BE TERMED "INTERNATIONAL HUMANITARIAN LAW." (COMMENT: THE SOVIETS ARE UNDOUBTEDLY SINCERE ABOUT THIS SINCE DISARMAMENT IS HANDLED IN THE MFA'S INTERNATIONAL

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ORGANIZATIONS DIVISION AND NOT IN TREATY AND LEGAL.)
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